

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CANDY KELLY, an individual,)
and DAVID MICHAEL KELLY, an)
individual,)
Plaintiffs,)
vs.)
EVERETT R. ECHOLS, M.D., an)
individual, TOM A. CHAPMAN,)
an individual, EZ RX, an)
unknown business entity,)
QUALITEST PHARMACEUTICALS,)
INC., a domestic corporation,)
et al.,)
Defendants.)

Old Case No. 1:05-cv-00118-AWI-SMS

ORDER OF RECUSAL

New Case No. 1:05-cv-00118-AWI-DLB

**ORDER VACATING PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**
(Doc. 69)

In light of the Notice of Appearance [76] on file herein, it appears to the undersigned, the Magistrate Judge to whom this case is presently assigned, that disqualification pursuant to 28 U.S.C. § 455 is appropriate in this matter.

It is therefore ORDERED that the undersigned hereby RECUSES herself as the Magistrate Judge to whom this case is assigned.

It is further ORDERED that the Clerk of the Court reassign this case to Magistrate Judge Dennis L. Beck (DLB). All further

1 pleadings filed with the court must hereinafter be correctly
2 numbered as follows: **1:05-cv-00118-AWI-DLB.**

3 It is further ORDERED that plaintiff's motion for default
4 judgment [69], presently set for hearing on May 4, 2007 at 9:15
5 a.m. in Courtroom No. 7 before Magistrate Judge Sandra M. Snyder,
6 is hereby VACATED. It is noted that a Stipulation and Proposed
7 Order to set aside same [78] is pending.

8
9 IT IS SO ORDERED.

10 **Dated:** April 27, 2007

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE